

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**

Page No. 2006-009

February 20, 2006

The City Council of the City of Gardner, Kansas, met in regular session on Monday, February 20, 2006, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable President of the Council, David Drovetta, presiding. Present were Councilmembers Weisenburger, Breen, and Raney. Mayor Lehman and Councilmember Peters were absent. City Staff present were City Administrator Fairburn, Assistant Administrator Mundt, Finance Director Gourley, Public Works Director Greene, Public Safety Director Francis, HR Director/City Clerk Scott, and Community Development Director Sherman. Others present included Ken Arnold, Ed and Janice James, Tom Rendleman, Suzanne Pollman, Ken and Kyle Rugler, Amy Foster, Sue Longman, Becky Jones, Karen McCollum, and Mark Taylor.

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by President of the Council Drovetta at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

President of the Council Drovetta led those in attendance in the pledge of allegiance.

**SERVICE AWARDS**

Councilmembers recognized Sue Longman, Amy Foster, and Becky Jones for five (5) years of service to the City of Gardner.

**CONSENT AGENDA**

Councilmember Breen made a motion to approve the following items listed on the consent agenda:

1. Standing approval of the minutes as written for the regular meeting on February 6, 2006.
2. Standing approval of the expenditures prepared on January 26, February 3 and February 9, 2006 in the amount of \$2,198,517.00; 2005 Business expenditures prepared on January 27, February 3 and 10, 2006 in the amount of \$1,014,477.09; and 2005 Business January Prepays prepared on February 2, 2006 in the amount of \$109,408.76.
3. Consider authorizing the City Administrator to execute an agreement with Bazin Excavating, Inc. for installation of a section of sanitary sewer force main within the Megan Valley Subdivision.
4. Consider authorizing the Mayor to execute an agreement with Johnson County for a Community Development Block Grant for the East Lift Station Service Area Sanitary Sewer Infiltration and Inflow Project.
5. Consider authorizing the purchase of a 1 Ton Pick-Up 4x4 Super Cab from Shawnee Mission Ford.
6. Consider authorizing the City Administrator to enter in a contract agreement with Bradford Lawns to provide mowing and turf maintenance services.
7. Consider waiving the bid requirement and grant approval of the 2006 Computer Purchase Program with Dell computers through their government pricing program.

Councilmember Weisenburger seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**PROPERTY REZONING**

Councilmember Weisenburger made a motion to pass an ordinance approving Z-05-10, providing for the rezoning of approximately 39.39 acres located on the south side of 167<sup>th</sup> Street, 1/4 mile west of Waverly Road (Gillihan property) from A (Agricultural District) to R-1 (Single Family Residential District). Councilmember Raney seconded the motion.

On roll call, the vote was: Weisenburger, yes; Raney, yes; Breen, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2186.

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**  
Page No. 2006-010  
February 20, 2006

**PROPERTY REZONING**

Councilmember Raney made a motion to pass an ordinance approving Z-06-01, providing for the rezoning of approximately 2.68 acres located at 265 N. Stone Creek Drive (RKJ, L.L.C property) from M-2 (General Industry District) to M-1 (Restricted Industry District). Councilmember Weisenburger seconded the motion.

On roll call, the vote was: Raney, yes; Weisenburger, yes; Breen, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2187.

**WASTEWATER TREATMENT CONDITIONAL USE PERMIT**

Councilmember Breen made a motion to pass an ordinance approving a conditional use permit (CUP-06-01) for the construction and operation of a water tower and wastewater treatment plant located at 32101 W. 159<sup>th</sup> Street for an indefinite period of time, with included stipulations. Councilmember Raney seconded the motion.

On roll call, the vote was: Breen, yes; Raney, yes; Weisenburger, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2188.

**FITNESS CLUB CONDITIONAL USE PERMIT**

Councilmember Raney made a motion to pass an ordinance approving a conditional use permit (CUP-06-02) for the operation of a fitness club located at 265 N. Stone Creek Drive, with the included stipulations. Councilmember Breen seconded the motion.

On roll call, the vote was: Raney, yes; Breen, yes; Weisenburger, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the ordinance was passed and assigned No. 2189.

**SANITARY SEWER LINE CONSTRUCTION AGREEMENT**

Councilmember Weisenburger made a motion to authorize the City Administrator to enter into an agreement with Ken Rogler, developer of Waverly Pointe, to decommission the lift station and construct a sanitary sewer main from Waverly Pointe subdivision to an existing sanitary sewer main north of Madison Road through the Doublegate drainage way in an amount not to exceed \$160,000.00. Councilmember Breen seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**NIKE SCHOOL SANITARY SEWER BENEFIT DISTRICT**

Councilmember Weisenburger made a motion to adopt a resolution determining the advisability of the making of certain internal improvements in the City of Gardner, Kansas, authorizing and providing for the making of the improvement in accordance with the findings of the governing body and K.S.A. 12-6a01 et. seq. (Nike School Sewer Benefit District). Councilmember Breen seconded the motion.

On roll call, the vote was: Weisenburger, yes; Breen, yes; Raney, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1694.

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**  
Page No. 2006-011  
February 20, 2006

**NIKE SCHOOL SANITARY SEWER BENEFIT DISTRICT**

Councilmember Raney made a motion to authorize the City Administrator to execute an engineering services contract with Allenbrand-Drews and Associates, Inc., for the Nike School Sanitary Sewer Benefit District in an amount not to exceed \$38,200.00. Councilmember Breen seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**CENTER STREET COMMONS BENEFIT DISTRICT**

Councilmember Raney made a motion to adopt a resolution repealing Resolution No. 1666 and determining the advisability of the making of certain internal improvements in the City of Gardner, Kansas authorizing and providing for the making of the improvements in accordance with the findings of the governing body and K.S.A. 12-6a01 et seq (Center Street Commons storm sewer, water and wastewater lines, and electrical improvements). Councilmember Breen seconded the motion.

On roll call, the vote was: Raney, yes; Breen, yes; Weisenburger, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1695.

**CENTER STREET COMMONS BENEFIT DISTRICT**

Councilmember Breen made a motion to authorize the City Administrator to execute a contract with Cutting Edge Excavating, Inc. for the construction of public infrastructure for the Center Street Commons Benefit District and the construction of a box culvert under 183<sup>rd</sup> Street in an amount not to exceed \$381,436.00. Councilmember Raney seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**KANSAS MUNICIPAL ENERGY AGENCY**

Councilmember Weisenburger made a motion to adopt a resolution authorizing the City Administrator to sign an amended agreement through the Kansas Municipal Energy Agency (KMEA) in connection to the transmission fees imposed by the Southern Power Pool for delivery of Gardner's share of Grand River Dam Authority energy. Councilmember Breen seconded the motion.

On roll call, the vote was: Weisenburger, yes; Breen, yes; Raney, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1696.

**KMEA MUTUAL AID PROGRAM**

Councilmember Weisenburger made a motion to adopt a resolution authorizing membership of the City of Gardner in the Kansas Municipal Energy Agency (KMEA) Mutual Aid Program. Councilmember Raney seconded the motion.

On roll call, the vote was: Weisenburger, yes; Breen, yes; Raney, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1697.

**RECORD OF PROCEEDINGS  
OF THE GOVERNING BODY  
CITY OF GARDNER, KANSAS**  
Page No. 2006-012  
February 20, 2006

**FIRMING CAPACITY AGREEMENT**

Councilmember Weisenburger made a motion to adopt a resolution authorizing the execution of a one-year agreement with WESTAR to provide "firming capacity" to the City of Gardner for an amount not to exceed \$108,000.00. Councilmember Breen seconded the motion.

On roll call, the vote was: Weisenburger, yes; Breen, yes; Raney, yes; and Drovetta, yes. All of the members present voting in favor of the motion, the resolution was adopted and assigned No. 1698.

**KILL CREEK WATER TOWER**

Councilmember Raney made a motion to authorize the City Administrator to execute a contract with Landmark Structures for the construction of the Kill Creek Water Tower in the amount of \$1,755,000.00. Councilmember Breen seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**LAND PURCHASE FOR PUBLIC SAFETY FACILITY**

Councilmember Weisenburger made a motion to authorize the City Administrator to execute a real estate contract with Johnson County Land Holdings, LLC, for the purchase of land for a Public Safety facility at the northwest corner of 167<sup>th</sup> Street and Kill Creek Road. Councilmember Breen seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

**LAND PURCHASE FOR COMMUNITY PARK**

Councilmember Weisenburger made a motion to authorize the City Administrator to sign a land purchase agreement with SEJ, LLC in an amount not to exceed \$650,000.00 plus necessary closing costs for the purpose of a community park. Councilmember Raney seconded the motion.

All of the members present voting in favor of the motion, the motion carried.

There being no further business to come before the Council, on a motion duly made and seconded, the meeting adjourned at 7:42 p.m.

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Gwen Scott, HR Director / City Clerk